



Mongolia

Country Reports on Human Rights Practices - [2002](#)

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Mongolia continued its transition from a highly centralized, Communist-led state to a full-fledged, multiparty, parliamentary democracy, although these gains have not yet been consolidated. The Prime Minister is nominated by the majority party and, with the agreement of the President, is approved by the State Great Hural (Parliament), the national legislature. In 2000 the Mongolian People's Revolutionary Party (MPRP), which held power from 1921 to 1996, won a sweeping victory in the parliamentary elections, leaving only 4 of 76 seats to opposition members. In 2001 the MPRP's presidential candidate was elected to his second and constitutionally limited final term. The transition to the new Government occurred in accordance with constitutional procedures, and international observers characterized the elections as free and fair. There were 18 political parties, 4 of which held seats in the Parliament. The judiciary is constitutionally independent, but low salaries made it vulnerable to corruption.

Security forces are divided among the Ministry of Defense (MOD), the Ministry of Justice and Home Affairs (MOJHA), and the General Intelligence Agency (GIA). Military forces under the MOD are responsible for external security, but border security forces are under MOJHA control during peacetime. Civil defense is subordinate to the MOD, giving the MOD a role in internal security. National police, with primary responsibility for law enforcement, operate under the MOJHA. The GIA, formerly the State Security Agency, is responsible for internal security; its civilian head has ministerial status and reports directly to the Prime Minister. Under the new Criminal Code, which came into force September 1, the number of types of crimes under the GIA's purview was reduced from 35 to 22. Reduced government spending continued to force downsizing of the military forces and all security forces operated on a minimal budget. The security forces were under civilian control. The Minister of Defense was a civilian (who retired from the military to accept the position). Some police committed human rights abuses.

The economy was stagnant during the year, with an inflation rate of 8 percent. Despite reforms in the 1990s, the larger economic entities remained under state control; however, the private sector produced more than 70 percent of the gross domestic product. Critical agricultural output fell in 2001 and may have continued to fall during the year. The country's population was 2.4 million with a population growth rate of 1.4 percent, and per capita income was approximately \$450 per year. The country relied heavily on foreign economic assistance. The mainstays of the economy continued to be copper production and other mining, livestock raising, and related food, wool, and hide processing industries. A growing trade and small entrepreneurial sector in the cities provided basic consumer goods. Lack of transportation and other infrastructure, legal and regulatory deficiencies, petty corruption, bureaucratic obstacles, and a small domestic market discouraged foreign investment.

The Government generally respected the human rights of its citizens; however, problems remained in some areas. Members of the police at times beat prisoners and detainees. Pretrial detention conditions continued to be poor although prison conditions were improving. There were no deaths reported during the year in detention centers but a number of prisoners died while in prison. Arbitrary arrest and detention were problems, as was corruption. Government attempts to enforce compliance with moral strictures and tax laws may have been an attempt to intimidate the media and may have resulted in self-censorship by the press. In 2001 the authorities determined some persons requesting asylum to be "economic immigrants" and denied them entry. Harassment by some officials of religious groups seeking registration persisted. Domestic violence against women was a serious problem; however, efforts to assist victims continued to increase during the year. Child abuse and child labor also were problems. There were some instances of forced labor, and some women seeking work overseas may have become victims of trafficking schemes. In 2001 the Government established a National Commission on Human Rights, which published reports in October 2001 and September 2002. Both reports criticized the Government for abuses and faulted the Parliament and the Courts for failure to fully protect human rights. In September a new Criminal Code came into effect, which is expected to provide additional procedural protections to citizens suspected of crimes. Mongolia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of arbitrary or unlawful deprivations of life committed by the Government or its agents; however, it was suspected that the killing of the Minister of Infrastructure in October 1998 was politically motivated. Although the investigation was ongoing, the inability to solve this case continued to be a major problem for the Government. In November the Parliament announced a reward of \$500,000 (500 million tugriks) for tangible information about the murderers.

During the year, 36 prisoners died in custody, largely due to disease (see Section 1.c.).

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, while reports of such actions diminished, the police in rural areas occasionally beat prisoners and detainees, and the use of unnecessary force in the arrest process was not uncommon. During the year, the Prison Administration equipped 11 out of 17 central prisons with television camera monitoring systems, which contributed to a significant decline in the number of prisoners and detainees beaten by guards. In 2001 it was alleged that five persons accused of killing a shopkeeper in 1999 were tortured during 2000 and 2001 while in detention centers in order to extract confessions. One of the five died of tuberculosis while in pretrial detention and the other four reported being subjected to severe abuse such as electrical shocks, threats to family members, and being forced to drink their own blood. A joint monitoring commission from the central police and the state prosecutor's office claimed its investigation found no basis for the allegations. However, the Supreme Court ordered the case reinvestigated in view of questions raised concerning evidence presented at the trial by the prosecution and the absence of legal counsel for the defendants during the early months of their detention; at year's end, the results of this second investigation were pending.

In recent years, reforms undertaken by the Ministry of Justice and Home Affairs upon Parliament's recommendation, following reports by international human rights observers, have changed significantly the way that accused persons and prisoners are treated. Human rights training for prison management and some police guards was implemented in 2001. A training center was established under the Court Decision Enforcement Agency (prison administration). During the year, 250 prison guards received training at the center and 10 went abroad for training. The Ministry's Department for the Enforcement of Court Decisions also monitored conditions, but the new laws and procedures were not publicized widely, especially in the countryside, and citizens were not always aware of their rights with respect to detention and arrest. In general pretrial detention and prison facilities were poor, providing insufficient food, heat, and medical care and thereby threatening the health and life of inmates. Overcrowding declined in prisons but remained common in detention centers.

Many inmates entered prison already infected with tuberculosis or contracted it in prison. In 2001 the Government, with the aid of foreign donors, concluded a program begun in 1997 for surveying and determining methods of treatment of tuberculosis among inmates. As a result of the program, the Government established a tuberculosis hospital that provided treatment for a large number of prisoners and better isolated infected persons from the general prison population. The number of inmates who died of the disease continued to decline significantly from previous years.

Police formerly administered detention centers, and conditions in some respects were worse than in prisons. On September 1, the Revised Criminal Code came into effect, under which the prison administration assumed responsibility for detention centers. At year's end, conditions remained poor but marginal improvements were noted as the prison administration began to address overcrowding; provided improved food, clothing and hygienic items; and began to provide warm meals twice, rather than just once, per day.

Although the number of inmates remained fairly constant, the seriousness of crimes allegedly committed by those detained increased.

Under the continuing reform process, prison inmates in the capital were divided into smaller groups managed by trained personnel and provided health and hygiene instructions. In 2001 a separate facility for juvenile prisoners was established in Ulaanbaatar and designated a training center. As of September, there were 94 children in the facility. Outside of Ulaanbaatar, juveniles between the ages of 14 and 18 who were charged with crimes were kept in the same detention centers as adults, unsegregated from the adult population. Improvements in detention and prison conditions outside of the capital were minimal or nonexistent due to lack of funding. However, families gained better access to inmates, alleviating some of the hardship in obtaining food and clothing. At least two national and six foreign nongovernmental organizations (NGOs) worked to improve conditions in prisons and detention centers, distributing clothing, food, books, and textbooks, and providing English-language instruction and training in computers and trades. All female prisoners were held separately in one central prison in Ulaanbaatar. At year's end, the prisoner population of that facility was 283.

The Government permitted prison visits by human rights monitors, but visits to pretrial detention centers were more difficult to arrange. Nonetheless, Amnesty International and other observers on occasion have visited detention

centers as well as prisons.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that no person shall be searched, arrested, detained, or deprived of liberty except by law, and these protections have been incorporated into the Criminal Code; however, arbitrary arrest and detention remained problems. General public awareness of basic rights and judicial procedures was limited. For example, citizens were not always aware of their rights in regard to arrest and detention procedures. Police may arrest those suspected of a crime and hold them for up to 72 hours before a decision is made to prosecute or release. Under the revised Criminal Code, which came into effect on September 1, a court order must be requested to continue holding a suspect after 24 hours have elapsed. If the requested order is not granted within 72 hours, the suspect must be released. In addition, prosecutors no longer have authority to issue warrants. A detainee has the right to a defense attorney during this period and during all subsequent stages of the legal process. If a defendant cannot afford a private attorney, the Government must appoint an attorney. However, in practice many detainees were not made aware of and therefore did not assert this right. There was a shortage of state attorneys, and the low quality of attorney training and the bureaucratic obstacles faced by attorneys and defendants were chronic problems. Detainees may be released on bail with the agreement of the prosecutor. Under the new Criminal Code, the maximum pre-trial detention (with a court order) is 24 months; an additional 6 months are allowed for particularly serious crimes such as murder. According to administrative regulation, if a person was wrongly charged with a crime, the Government must restore the person's rights and reputation and compensate him, but this regulation very rarely was followed in practice.

In 2000 a one-time amnesty law affected 1,000 inmates and detainees by reducing the sentences of inmates and releasing detainees held on insufficient evidence.

There were no reports of political detainees during the year. The Government did not use forced exile, which is prohibited by the Constitution.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the courts were generally independent in practice, although corruption was a problem.

The judiciary consists of local courts, provincial courts, and the Supreme Court. The 11-member Supreme Court is the court of final appeal, hearing appeals from lower courts and cases involving alleged misconduct by high-level officials. Local courts primarily hear routine criminal and civil cases; provincial courts hear more serious cases such as murder, rape, and grand larceny and also serve as the appeals court for lower court decisions. The Constitutional Court, separate from the criminal court system, has sole jurisdiction over constitutional questions. The General Council of Courts, an administrative body within the Ministry of Justice and Home Affairs, nominates candidates for vacancies on both the Supreme and lower courts; the President has the power to approve or refuse such nominations. The Council also is charged with ensuring the rights of judges and providing for the independence of the judiciary. In 2001 a human rights course became mandatory for all law students.

According to law, all accused persons are provided due process, legal defense, and a public trial, although closed proceedings are permitted in cases involving state secrets, rape cases involving minors, and other cases provided by law. Defendants do not enjoy a presumption of innocence. Defendants may question witnesses and appeal decisions.

There were no reports of political prisoners. Each September the Government publicly pays respect to the memory of victims of the political repression from 1922 through the 1960s. Since 1991 approximately 36,000 persons have been absolved of accusations leveled against them. In 1991 the Government began giving apartments and monetary compensation to surviving victims or to the victims' spouses. Since then the Government has provided approximately 500 apartments and gers (a traditional nomadic dwelling of the Mongols). In 1998 the State Rehabilitation Commission began providing compensation to other family members of victims in the form of cash grants of \$500 and \$1,000 (500,000 and 1 million tugrik). The program subsequently was halted due to a budget shortfall in 2001 but resumed during the year. Since the inception of the program, more than 16,000 persons have received more than \$13 million (13 billion tugrik) in compensation. The program, originally scheduled to end in 2000, was extended to February 2006.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these provisions in practice. The head of the General Intelligence Agency, with the knowledge and consent of the Prime Minister, may direct the monitoring and recording of telephone conversations. The extent of such monitoring was unknown. Police wiretaps must be approved by the Prosecutor's Office and are authorized for only 2 weeks at a time.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech, press, and expression, and the Government generally respected these rights in practice. An increasing variety of newspapers and other publications represented major political party viewpoints as well as independent views. The media law that went into effect in 1999 bans censorship of public information and future legislation that would limit the freedom to publish and broadcast. This law also bars state ownership or financing of the media or media organizations. Nonetheless, the vast majority of radio and television stations and frequency licenses remained state-owned. The law took effect without agreement on regulations and procedures for the privatization of assets, and its implementation has been difficult and controversial. Lack of access to information and of transparency in government continued to inhibit political dialog in the media and led to media complaints.

The Government monitored all media for compliance with antiviolenence, antipornography, antialcohol, and tax laws. On July 31, an Ulaanbaatar Court found the editor-in-chief of "Word" newspaper guilty of libel and sentenced her to 1 year in prison. Journalists accused the Government of overzealous prosecution of the case and believed the trial was an assault on freedom of the press. No newspapers were closed during the year or during 2001. In 2000 two newspapers were closed as a result of Government inspections, which journalists viewed as an attempt at intimidation and control. While there was no direct government censorship, the press perceived indirect censorship in various forms of government harassment such as frequent libel lawsuits and tax audits following an inflammatory article. The court system places the burden of proof on the defendants in libel and slander cases. As a result, some media practiced self-censorship, although independent media outlets were at times strongly critical of the Government. All newspapers bought newsprint directly from private suppliers, and neither party-affiliated nor independent news media reported difficulty securing an adequate supply. Due to transportation difficulties, uneven postal service, and fluctuations in the amount of newsprint available, access to a full range of publications was restricted in outlying regions.

There were several television stations, including a government-financed television station with countrywide broadcasting capability, a limited-operation international joint venture private television channel and a second private television station (which did not broadcast nationwide), a local television station controlled by the Ulaanbaatar mayor's office, and several radio stations in Ulaanbaatar. State-owned radio was particularly important as the major source of news in the countryside; however, one independent radio station broadcast widely and there were an increasing number of small local FM stations. The Voice of America and the British Broadcasting Company broadcast in English only, over FM radio frequencies leased from private media interests. The media presented both opposition and government views. Many residents of the country had access to television, and Ulaanbaatar residents received broadcasts from other countries in Asia and Europe, including China, Russia, Japan, the United Kingdom, France, and Germany, as well as the United States, by commercial satellite and cable television systems. An estimated 70 percent of households had televisions.

Access to the Internet was available, and there were no government attempts to interfere with its use.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of conscience and religion, and the Government generally respected these rights in practice; however, some groups that sought to register faced bureaucratic harassment and the law limits proselytizing.

The Constitution explicitly recognizes the separation of church and state. However, although there is no official state religion, traditionalists believe that Buddhism is the "natural religion" of the country. The Government contributed to the restoration of several Buddhist sites that are important religious, historical, and cultural centers. The Government otherwise did not subsidize the Buddhist religion.

Religious groups must register with the Ministry of Justice and Home Affairs. While the Ministry of Justice and Home Affairs is responsible for registrations, local assemblies have the authority to approve applications at the local level.

Under the law, the Government may supervise and limit the number of places of worship and clergy for organized religions; however, there were no reports that the Government did so during the year. The registration process is decentralized with several layers of bureaucracy, in which officials sometimes demanded financial benefits in exchange for authorization. In general it appeared that difficulties in registering were primarily the consequence of bureaucratic action by local officials and attempts to extort financial assistance for projects not funded by the city. Of the 260 temples and churches founded since 1990, approximately 150 were registered, including 90 Buddhist, 40 Christian, and 4 Baha'i, in addition to 1 Muslim mosque and approximately 15 other organizations. Contacts with coreligionists outside the country were allowed.

The law does not prohibit proselytizing, but limits it by forbidding the use of incentives, pressure, or "deceptive methods" to introduce religion. In addition, a Ministry of Education directive bans mixing foreign language or other training with religious teaching or instruction. The edict was enforced, particularly in the capital area.

The Dalai Lama, a Tibetan Buddhist leader greatly respected by Mongolian Buddhists, visited the country in November, after a series of previous attempts to arrange such a visit failed. The Government actively worked with a number of countries in the region to ensure that the visit of this important religious leader could occur.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement within the country as well as the right to travel abroad and return without restriction, and the Government generally respected these rights in practice. However, due to continued harsh winter weather and drought conditions, an increased number of persons sought shelter in the capital, and the authorities continued to raise bureaucratic obstacles, such as increasing fees for residency applications, to prevent new arrivals from qualifying for residency and social benefits in the capital. Ulaanbaatar was the only city that required a registration fee for those moving into the city from other areas. In 2001 these fees were raised to \$50 (50,000 tugrik) per adult and \$25 (25,000 tugrik) per child.

The country is not a party to the 1951 U.N. Convention Regarding the Status of Refugees and its 1967 Protocol and it has no laws for granting refugee status. The Constitution contains a provision that addresses political asylum, but there were no implementing regulations. The Government continued talks with UNHCR representatives on both issues. Small groups of North Koreans continued to enter the country from China. The Government's concerns about potentially growing numbers of North Korean migrants increased opposition to accession to the 1951 Convention.

The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. However, in recent years the authorities have denied entry to some persons claiming refugee status, having determined that these persons were "economic immigrants" and not refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free and fair elections by secret ballot and universal suffrage. Presidential, parliamentary, and local elections were held separately. In 2000 parliamentary elections brought the Mongolian People's Revolutionary Party (MPRP) back into power. In 2001 the MPRP's presidential candidate was elected to a second term. The Constitution limits the president to two terms. International observers deemed the presidential election generally free and fair; some irregularities in the 2000 parliamentary elections generated improved election practices and procedures in the 2001 presidential election. For example, new rules were introduced requiring two to three observers to be present with election commission representatives when votes are collected by mobile box (a ballot box circulated among rural households). However, no state funds were provided for the observers to accompany the election commission representatives, and corruption remained a problem in some remote areas. Ballot papers were printed and distributed under the strict control of political party observers. Cultural shows and other performances sponsored by candidates and their supporters were prohibited during the election campaign period except at its start and end. Constitutional amendments meant to address questions raised during the formation of the Government in 2000, concerning the President's relationship to Parliament and the Government, and the right of Members of Parliament to serve in the Government, were passed by the Parliament in 2000 but vetoed by the President. Parliament overrode the veto and the amendments went into effect in 2001 when, following his reelection, the President signed them. The amendments state that the Prime Minister, in consultation with the President, shall submit proposals of the executive branch to the Parliament, and Members of Parliament may serve in the Government (as Cabinet Ministers).

There were 18 registered political parties; 4 were represented in the Parliament.

There were no legal impediments to the participation of women or minorities in government and politics. There were 9 female members in the 76-member Parliament. There were no female ministers, but there was one female vice-minister. Women and women's organizations were vocal in local and national politics and actively sought greater representation by women in government policymaking.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of national and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

The U.N. High Commissioner for Human Rights closed its separate office in 2001, and complaints were referred to the National Commission on Human Rights (NCHR). Under the direction of the U.N. Development Program, a local representative in each provincial assembly, among other duties, monitored human rights conditions.

In 2001 Parliament established the NCHR to receive complaints from both citizens and foreign residents. The Commission consists of three senior civil servants nominated by the President, the Supreme Court, and the Parliament for terms of 6 years. The independent Commission was responsible for monitoring human rights abuses, initiating and reviewing policy changes, and coordinating with human rights NGOs. The Commission's first and second public reports in October 2001 and 2002 criticized the Government for abuses of the power of arrest and detention, poor conditions in detention and prison facilities, lengthy detentions without trial, and failure to implement laws. The reports also faulted Parliament and the courts for failure to fully protect human rights. The Commission reports directly to the Parliament.

A human rights course was a requirement in the university law curriculum.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution states that "no person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin, or status," and that "men and women shall be equal in political, economic, social, cultural fields, and family." The Government generally enforced these provisions in practice.

Women

Domestic violence against women was a serious problem. Rape and domestic abuse are illegal, and offenders can be prosecuted after formal charges have been filed. There is no law specifically prohibiting spousal rape.

There were no reliable statistics regarding the extent of domestic abuse but qualified observers believed that it was common, affecting as much as one-third of the female population. Approximately 98.5 percent of those who committed violent crimes in the home were male, and women were disproportionately the victims of these crimes. Further, in recent years domestic abuse appeared to become more violent; different statistical sources stated that between 10 and 24 percent of murders occurred in the home. In 1998 murders of women were 8 percent of all murder cases; in 2001 the number had doubled to 17 percent. After many years of government and societal denial, there was increasing public and media discussion of domestic violence, including spousal and child abuse. However, a common perception was that domestic abuse was either a family issue or not a problem at all. The large economic and societal changes underway have created new stresses on families, including loss of jobs, inflation, and lowered spending on social and educational programs. Some statistics showed that more than 60 percent of the cases of family abuse were related to alcohol abuse. The high rate of alcohol abuse contributed to increased instances of family abuse and abandonment and added to the number of single-parent families, most of which were headed by women. Although women's groups advocated new statutes to cope with domestic violence, there was no known police or government intervention in cases involving violence against women beyond prosecution under existing criminal laws after formal charges were filed. Women were hesitant to prosecute because of likely long-term detention of spouses in detention centers and the resulting loss of household income. A draft Law on Domestic Violence has been in circulation since 1997 and is expected to be submitted to the Parliament in spring 2003.

There are no laws against sexual harassment.

The Family Law details rights and responsibilities regarding alimony and parents' rights, and is intended to bring about timely dispute settlement and ameliorate the causes of some domestic violence. The National Center Against Violence operated branches, each staffed by two to three persons, in two districts of Ulaanbataar and eight provinces. Only one small shelter for victims of domestic abuse existed in the country, largely funded by foreign charitable organizations.

The law stipulates the obligations regarding divorce, custody, and alimony to the benefit of the parent caring for children. It provides for more speedy resolution of divorce cases where the relevant agencies have determined that domestic violence is involved.

There were reports that some women and teenagers worked in the sex trade in Asia and Eastern Europe; an unknown number of them may have been trafficked (see Section 6.f.).

The Constitution provides men and women with equal rights in all areas. By law women are to receive equal pay for equal work and have equal access to education. Women represented approximately half of the work force, and a significant number were the primary earners for their families. The law prohibits women from working in certain occupations that require heavy labor or exposure to chemicals that could affect infant and maternal health. The Government enforced these provisions. Many women occupied midlevel positions in government and the professions, and many were involved in the creation and management of new trading and manufacturing businesses.

There is no separate government agency that oversees women's rights; however, there is a National Council to coordinate policy and women's interests among ministries and NGOs, and the Ministry of Social Welfare and Labor has a Division for Women and Youth Issues. There were approximately 40 women's rights groups that concerned themselves with such issues as maternal and child health, domestic violence, and equal opportunity.

Children

Increased stress on the family structure and throughout society has had adverse effects on many children, and the Government has been unable to keep pace with the educational, health, and social needs of the most rapidly growing segment of its population, although it is committed to children's rights and welfare in principle. The Government provides children with free, compulsory public education through the age of 16, although family economic needs and state budgetary difficulties made it difficult for some children to attend school. In practice female children over the age of 15 had better opportunities to complete their education than male children, because teenage males often were required to work at home and schools generally were located far from homes (see Section 6.d.). In addition, there continued to be a severe shortage of teachers and teaching materials at all educational levels.

The society has a long tradition of supporting communal raising of children. The Government was more willing to admit the extent of the problem of orphaned children, but it lacked the resources to improve the welfare of children who have become the victims of larger societal and familial changes. NGOs continued to assist orphaned and abandoned children. The Government does not publish statistics on street children; however, the 2002 census identified approximately 1,300 homeless youths between 7 and 18 years of age. Of those, 840 lived in shelters provided by 21 children's centers sponsored by international NGOs. Groups working in the field disagreed on the number of street children but estimated that there were as many as 3,000. Female street children, who accounted for one third of all street children, sometimes faced sexual abuse. The Government established a National Committee for Children to address this and other child welfare issues. The Government supported two private shelters, one for children from birth to age 3, and the other for children from 3 to 16 years of age. While government facilities received government funding, finances were inadequate and the Government used foreign aid to help sustain the orphanages.

There was growing awareness that child abuse, often associated with parental alcoholism, was a problem. In conjunction with efforts to counter violence against women, NGOs have begun to address the issue. The Ministry of Social Welfare and Labor has added a Department for Women and Youth Issues.

Persons with Disabilities

The 1999 Labor Law prohibits discrimination against persons with disabilities in employment and education, and requires the Government to provide benefits according to the nature and severity of the disability, which it did. There was no official discrimination against persons with disabilities in employment and education. However, in practice most could not find jobs. In 2001 the Government began to implement a section of the 1999 Labor Law that requires companies employing more than 50 persons to hire at least 3 persons with disabilities. Those who have been injured in industrial accidents have the right to reemployment when ready to resume work, and the Government offered free retraining at a central technical school. There are several specialized schools for youths with disabilities, but these students also were free to attend regular schools. The Government also provided tax benefits to enterprises that hired persons with disabilities, whom some firms hired exclusively. There is no law mandating access for the disabled; thus it was difficult for the disabled to participate fully in public life. However, in 2001 the Government set aside a small sum to build wheelchair access ramps to public buildings. Disabled citizens' groups have demonstrated for higher government subsidies. Government pensions for the disabled were approximately \$40 (40,000 tugrik) per month. There were approximately 40,000 disabled persons in the country. Approximately 30 NGOs participated in activities assisting persons with disabilities.

Section 6 Worker Rights

a. The Right of Association

The Constitution entitles all workers to form or join unions and professional organizations of their choosing. Union officials estimated that union membership remained constant at approximately 400,000, which represented less than half of the workforce. Workers who were self-employed or worked at small, nonunionized firms generally did not belong to unions. No arbitrary restrictions limited who could be a union official, and officers were elected by secret ballot.

During the year, the leadership of the newer Association of Free Trades Unions merged with the Mongolian Trade Unions Confederation, leaving in effect only one trade union confederation in the country. The Mongolian Trade Unions Confederation had ties with international labor organizations and confederations in other countries.

b. The Right to Organize and Bargain Collectively

The law regulates relations between employers, employees, trade unions, and the Government. The Government's role is limited to ensuring that contracts meet legal requirements concerning hours and conditions of work. Wages and other conditions of employment are set between employers, whether state or private, and employees, with trade union input in some cases. The Labor Dispute Settlement Commission resolves disputes involving an individual; disputes involving groups are referred to intermediaries and arbitrators for reconciliation. If an employer fails to comply with a recommendation, employees may exercise their right to strike. The law protects workers' right to participate in trade union activities without discrimination.

Union members have the right to strike; however, those employed in "essential services," which the Government defines as occupations critical for national defense and safety, including police, utility, and transportation workers, do not have the right to strike. During the year, there were approximately 8 strikes involving over 1,000 workers.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law specifically prohibits forced or bonded labor, including forced and bonded labor by children; however, enforcement was intermittent. In 2000 a foreign-owned garment factory was discovered to be requiring employees to work 14-hour shifts 7 days a week, deducting unreasonable sums from paychecks for miscellaneous expenses, and requiring 16- to 18-year-old workers to work excessive hours. Some members of the military forces in rural areas were required to help with the fall harvest. In many cases, prisoners worked to support the detention facility or prison in which they were held, and detained alcohol abusers and petty criminals sometimes were required, as part of their sentences, to perform menial tasks such as street sweeping. Detainees were compensated financially for their work; prisoners were not, but received credit toward time off of their sentences.

d. Status of Child Labor Practices and Minimum Age for Employment

The law in general prohibits children under the age of 16 from working, although those who are 14 or 15 years of age may work up to 30 hours per week with parental consent. Those under 18 years of age may not work at night, engage in arduous work, or work in hazardous occupations such as mining and construction. Enforcement of these prohibitions, as well as all other labor regulations, was the responsibility of state labor inspectors assigned to regional and local offices. These inspectors have the authority to compel immediate compliance with labor legislation, but enforcement was limited due to the small number of labor inspectors and the growing number of independent enterprises. In 2000 a foreign-owned garment factory was found to be employing 16- to 18-year-old workers for periods in excess of the legal limits (see Section 6.c.).

Children worked informally in petty trade, scavenging in dumpsites, scavenging coal from abandoned mines and herding animals. Increasing alcoholism and parental abandonment made it necessary for many children to have an income in order to support themselves, their siblings, and sometimes their parents. Estimates of the number of children in the labor force were as high as 58,000.

Also, due to increasing economic pressures, fewer children, especially teenage boys in the countryside, were staying in school until age 18 (see Section 5). These children most often herded family animals, but reports of such children working in factories or coal mines increased.

The Government prohibits forced and bonded labor by children, and generally attempted to enforce this prohibition. However, forced labor by children did exist in a few circumstances. In 2000 the International Labor Organization (ILO) established a national office for the International Program on the Elimination of Child Labor.

e. Acceptable Conditions of Work

The legal minimum wage established for the year was under \$25 (25,000 tugrik) per month. This minimum wage, which applied to both public and private sector workers and was enforced by the Ministry of Social Welfare and Labor, alone was insufficient to provide a decent standard of living for a worker and family. Virtually all civil servants earned more than this amount, and many in private businesses earned considerably more. Some employees received housing benefits.

The standard legal workweek is 40 hours, and there is a minimum rest period of 48 hours between workweeks. By law, overtime work is compensated at either double the standard hourly rate or by giving time off equal to the number of hours of overtime worked. Pregnant women and nursing mothers are prohibited by law from working overtime. For those 16 and 17 years of age, the workweek is 36 hours, and overtime work is not allowed. These laws were generally enforced in practice.

Laws on labor, cooperatives, and enterprises set occupational health and safety standards. However, the near-total reliance on outmoded machinery and problems with maintenance and management led to frequent industrial accidents, particularly in the mining, power, and construction sectors. Enforcement of occupational health and safety standards, provided by the Ministry of Social Welfare and Labor, was inadequate. The labor monitoring unit employed only 70 inspectors to inspect a growing number of enterprises throughout the country. However, 42 additional volunteer inspectors from NGOs assisted the labor monitoring unit in 2001. According to the law, workers have the right to remove themselves from dangerous work situations and still retain their jobs. There were a small number of foreign workers in the country who, in general, enjoyed the same protections as citizens.

f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and there was evidence that women and teenagers working in the sex trade in Asia and Eastern Europe may have been the victims of trafficking rings. The country was both a source and transit point for trafficking. Although most officials and NGOs found it difficult to estimate the extent of the trafficking, increasing attention was focused on the issue.

The primary targets of trafficking schemes were middle class girls and young women, ranging in age from 14 to approximately

28 years of age. These girls and women were lured abroad by offers to study or work. It was not difficult to traffic persons across the country's borders. Some NGO experts believe that members of the police sometimes were involved in trafficking young women and helping facilitate their movement across borders. In 2001 an NGO began providing training and education on trafficking for police officials.